
UNITED STATES DISTRICT COURT
DISTRICT OF UTAH, CENTRAL DIVISION

MARK A. MALONE,

Plaintiff,

v.

STATE OF WASHINGTON, et al.,

Defendants.

**MEMORANDUM DECISION
AND TRANSFER ORDER**

Case No. 2:23-cv-00197-CMR

Magistrate Judge Cecilia M. Romero

On March 23, 2023, *pro se* Plaintiff Mark A. Malone (Plaintiff) filed his Complaint (ECF 2) against Defendants State of Washington, Kenneth Clark, John D. Snaza, Donald R. Peters, and Jon Tunheim (Defendants). On March 28, 2023, the court granted Plaintiff's request to leave to proceed *in forma pauperis* pursuant to 28 U.S.C. § 1915 (the IFP Statute) (ECF 4). On April 4, 2023, the court issued an Order to Show Cause directing Plaintiff to explain why this case should not be dismissed for improper venue or transferred to a different district (Order to Show Cause) (ECF 5). The court warned Plaintiff that failure to comply with the directives in the Order to Show Cause may result in dismissal of this action (*Id.*). Before the deadline, Plaintiff filed a lengthy response restating many of the allegations in the Complaint but failing to address pleading deficiencies with respect to proper venue (Response) (ECF 9).

Federal statute provides that a civil case may be filed in “(1) a judicial district in which any defendant resides, if all defendants are residents of the State in which the district is located; [or] (2) a judicial district in which a substantial part of the events or omissions giving rise to the claim occurred.” 28 U.S.C. § 1339(b). “For the convenience of parties and witnesses, in the interest of

justice, a district court may transfer any civil action to any other district or division where it might have been brought" *Id.* § 1404(a). After carefully reviewing the Complaint, the court has been unable to find any reference to Utah or any allegation that Utah is home to any party, events, omissions or property involved in this case. Defendants are alleged to be in Lewis County, and all the circumstances forming the basis of potential causes of action apparently occurred in Lewis County. Plaintiff's Response fails to remedy or address deficiencies relating to venue.

Accordingly, IT IS HEREBY ORDERED that this action is TRANSFERRED to the United States District Court for the Western District of Washington.¹

DATED this 31 May 2023.



Magistrate Judge Cecilia M. Romero
United States District Court for the District of Utah

¹ Because transfer of venue is not dispositive, a magistrate judge has the authority to enter this Order. *See R.R. v. Blue Shield of Cal.*, No. 2:22-CV-502, 2022 U.S. Dist. LEXIS 220959, at *1 n.1 (D. Utah Dec. 6, 2022).